

## MINUTES

### WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,

Third Floor, Historic Court House,

Boonville, IN

Monday, August 8, 2016, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance.

**MEMBERS PRESENT:** Guy Gentry, President; Bill Byers, Doris Horn, Richard Reid and Jeff Willis.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Molly Barnhill, Staff.

**MEMBERS ABSENT:** Brad Overton and Amanda Mosiman.

**MINUTES:** Upon a motion by Doris Horn and seconded by Richard Reid, the Minutes of last regularly held meeting on June 13, 2016 we approved as circulated. Upon a motion by Doris Horn and seconded by Richard Reid, the Minutes of no meeting being held on July 11, 2016 were approved.

The President explained the Rules of Procedure to the audience.

### **REZONING PETITIONS:**

**PC-R-16-08 – Petition of 2400 Green River Investments, LLC, by Chris Combs, Pres..** ~ (Applicant and Owner) ~ to rezone 8.88 acres located on the E side of Bell Road approximately 0' E of the intersection formed by Bell Road and Frontier Dr., Ohio Twp. from "A" Agriculture to PUD Planned Unit Development consisting of "R-2" Multi Family. *Complete legal on file. Advertised in the Standard July 28, 2016.*

Glen Meritt Jr., Engineer with Cash Wagner and Associates and Chris Combs, Owner were present.

Mrs. Rector asked if we could do the primary plat now also because we have to have one for the other.

### **SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:**

**PP-16-12 – Magnolia Place Subdivision** by 2400 Green River Investments, LLC, by Chris Combs, Pres. ~ (Applicant and Owner) ~ 8.88 acres located on the E side of Bell Road

approximately 0' E of the intersection formed by Bell Road and Frontier Dr., Ohio Twp. *Complete legal on file. Advertised in the Standard July 28, 2016.*

The President called for a staff report.

Mrs. Rector stated on the rezoning all notices were mailed together. She said we have all of the return receipts except from Walter Schneider, Stacia Daily, and John Hass. She said we do have the white pay receipts showing they were mailed properly. She said the Comprehensive plan projects the area to be moderate to high density residential. She said the property had a single family dwelling on it with the rest of the ground being farmed; the home has been removed and it is no longer being farmed. She said the surrounding zoning and land use is the property to the north, west, and south are zoned R-1 and R-1A with subdivisions for single family dwellings; the property to the east is zoned Agricultural with a single family dwelling. She said there is no flood plain on the property and the access is off of Bell Road. She said the stated use is a Planned Unit Development consisting of "R-2" which is multifamily. She said the Primary Plat is on the agenda. She said the application is in compliance.

Mrs. Rector stated the Primary Plat has no flood plain. She said the number of lots is 72 lots, and these are townhomes so it is not 72 building lots, ranging in size from .08 acres to .10 acres with 2 outlots. She said outlot A will be used for landscaping and the underground storm water storage and outlot B will be used for landscaping and an entrance sign. She said the Commissioners approved the street plans today and the Drainage Board approved the drainage plans with the underground retention system for the development. She said Chandler Utilities has capacity for the water and sewer. She said they are proposing townhome type housing with ten 6 unit buildings, one 4 unit building, and one 8 unit building. She said they are showing patios on the back of each unit and privacy fencing around the perimeters. She said they have submitted a request to waive sidewalks along both sides of the internal road, Nolia Lane, and along Bell Road. "The layout of this planned unit development is similar to a previous project by the owner. Sidewalks were waived on this previous project to provide more green space between the front of the buildings and the road and also because cars parked in the driveways would likely block the sidewalk." Mrs. Rector stated they have also submitted request's to relax the requirement of easements being 6 feet in width to some Drainage Easements being 5' (10' total with 5' on each side of the property line), a Public Utility and Drainage Easement being only 4' in width, and the proposed Electric Easements being only 2' in width. She said they have dedicated 40' of ROW along Bell Road. She said per the Thoroughfare Plan this section of Bell Road is a Rural Major Collector and shall also have a building set-back of 65' to the center of Bell Road (25' to edge of ROW). She said they are asking to relax this requirement by 18.95' to have a set-back of 6.05' from the edge of ROW, not pavement, right-of-way. She said the County Engineer has reviewed the plans and has no problem with it. She said the rest of the homes and subdivisions down through there, this is set back the same as what theirs are so this is not getting any closer to the road than what is already out there; and Mr. Howard did go out and verify that today. She added that the subdivision plat is in technical conformity to the Zoning Ordinance and Subdivision Control Ordinance.

The President asked if they had anything to add.

Glen Merritt Jr. said no but he would be glad to answer any questions they may have.

The President asked if there were any questions from the Board members. He then asked if there were any remonstrators for or against this petition. He said so there is a total of 12 buildings, is that correct.

Chris Combs said yes.

Jeff Willis asked if the road set back was something that later down the road we would need that extra 20 feet to widen the road.

Mrs. Rector said if you were on a road that there could be a lot more development take place then she would say yes but since it is already grown up around it, that is what Bobby was looking at, it is not going to jeopardize anything in the future.

Glen Meritt Jr. said the rest of Bell Road has only 25 feet on the east side of the road and they have been asked to grant the 40' which will take into account the Bell Road improvements that are planned right now. He said there are 2 other existing homes, one north and one south of this project that are 40' off of the centerline of the road and they are 46' right now so there wouldn't be any reason to bump out for 300' across their development when they are going to go back to that restriction on 2 existing homes that are there just north and south of their property. He said they have granted that 40' of right-of-way that is sufficient for the Bell Road improvements that are planned in 2017.

Mrs. Rector asked if that is what they had them do in Bellvue.

Glen Meritt Jr. said he believes so.

Chris Combs said he doesn't remember but it was 3 ½ acres and he could tell them how much that cost.

Mrs. Rector asked if these were one or two story homes and were they going to be brick...

Chris Combs said they are going to be bricked all the way around on the main level and they will have the vinyl lope typical of any home up high.

Jeff Willis said he wants to make sure they don't build a big building there and then have to tear it down in a couple of years like they did up on the corner of Bell Road.

Chris Combs said the good news is that they are not going to have to do that there because the Engineer's and everybody up here at Warrick County and Bobby and all of that to make sure, and he was well aware of that when he bought the property knowing what they did with Bellvue. He said so they knew what they needed and they are excited about having the improvements done to the roads.

Richard Reid asked which one needed approved first.

The President said we need to do the zoning first, then consider the waiver for the sidewalks, and then the plat.

Attorney Doll asked if there were any questions from the public.

Duane Roettger said he lives on the north side of the property. He said they had talked about a privacy fence, are they going to put that right on the property line or how far back it will sit.

Glen Meritt Jr. said it will roughly be about 15' off of the property line on 8 of the buildings. He said there is an offset on their property line where they have a 15-20' jog there where it is a little tighter and the fence will be closer to the line but everywhere else in the back it will be approximately 15' off of the line because they have chamber systems...

The President asked if the easement would be along the outside of the fence.

Glen Meritt Jr. said yes, for the drainage swells, storm sewer, and underground retention.

Chris Combs said he has some railroad ties and improvements that he has done and he has told him that they will not be affecting that in any way. He said he invited everybody in the community and made sure that he personally hand delivered a letter to invite them all to the nursery just for the Board to know, he had all of the people for a couple hours at the nursery, had pictures of what they were going to do, introduced himself, gave them all his business card, just so they could welcome everybody as opposed to having 60 people here tonight for the Board. He said that is why he did that previously because he has always been a proactive person.

Duane asked if the privacy fence was going to be a cedar fence.

Chris Combs said it is a 6' cedar fence, just like what they saw at The Stables.

Duane asked on the buildings there will be no second story windows or dormers out the back.

Chris Combs said there are no dormers out the back.

Arlene Sellers approached the podium. She said she lives at the back of the property on the east and she has a fence along there. She asked if they were going to put a fence on the back, away from Bell Road.

Chris Combs said on the very east of the property they are leaving the trees and are not planning a fence.

Arlene Sellers asked if they planned on fixing the fence that is there because right now it is smashed to the ground and there are two trees on it.

Chris Combs said if they have damaged anything they will repair it, and they have actually taken some trees out for the neighbors where they were on the lines.

Arlene Sellers said she didn't know if the fence was going to go on the back or just be on the sides.

Chris Combs said there won't be a fence on the very east end; they are leaving that tree barrier as a natural barrier.

Janet Jenkins approached the podium. She said her question is on the zoning type. She said it is a multifamily zoning so if things don't go as planned and these 72 townhomes don't sell is it possible that that is changed or can single dwelling families then build in there zoned as an R-12.

Richard Reid said this is a PUD so they don't change it.

Mrs. Rector said with a PUD they have to show the plan and if they change it then they have to come back.

Richard Reid said then it would come back here and she would be here again.

Mrs. Rector stated but you can put a single family dwelling in a multifamily zoning.

Being no more questions from the Board and no more remonstrators present the President called for a motion on the rezoning.

Richard Reid made a motion to give a positive recommendation to the County Commissioners for PC-R-16-08. The motion was seconded by Doris Horn and unanimously carried.

The President said this will go back to this meeting room on September the 12<sup>th</sup> at 4 p.m. and the Commissioners will have the final say on the rezoning, he then called for a motion on the sidewalk waiver.

Richard Reid made a motion to waive the sidewalks on half of the street.

Mrs. Rector asked if they were asking for no sidewalks or just on one side.

Chris Combs said they were asking for no sidewalks.

Richard Reid said okay then he would make a motion to waive all of the sidewalks.

Chris Combs said yes because there is no way you can walk down it when you have cars parked in there. He said the sidewalks would have to be halfway up into the small front yards and the cars would block them, and that is why it was waived on their previous development in Evansville.

Doris Horn seconded the motion for no sidewalks and it was unanimously carried.

The President called for a motion on the primary plat contingent upon zoning approval by the Board of Commissioners.

Richard Reid made a motion to approve PP-16-12. The motion was seconded by Bill Byers and unanimously carried.

**PP-16-11- Victoria Village # 2** by Modern Design Homes, Inc., Kumar Khan, Pres. ~ (Applicant and Owner) ~ 0.671 acres located at the cul-de-sac terminus of Pebble Beach Dr. approximately 675' S of the intersection of Long Cove Circle and Pebble Beach Dr., Boon Twp. being a subdivision of Lot 13A in the Replat of Lots 1, 2, 6, 7, 8, 9, 10, 13, 14, 15, 16, 24, 25, 26, 30,31,35,36,37,38,45, & 46 in the Amended Plat of the Corrected Plat of Victoria Village as recorded in the Office of the Warrick County Recorder in Doc. # 2010R-003733. *Advertised in the Standard July 28, 2016.*

Scott Buedel with Cash Wagner and Associates and Kumar Kahn were present.

The President called for a staff report.

Mrs. Rector said they have all white pay receipts showing they were mailed to the correct addresses on file in the Auditors office. She said they are missing 2 green cards (Martha Alice Meinert Trust and Andrew D West & Amy M West-Yeager). She said it is R-2 Multiple family zoning; there is no flood plain, and it is a proposed 2 lots. She said the Commissioners approved no street plans required. And the Drainage Board approved no drainage plan required. She said they have Newburgh sewer and Indiana American water. She originally was 2 lots and then a few years ago they put them together and now they want to separate them back to the original way they were done. She said two lots like this have already been approved, this is just putting it back.

The President asked if they were just talking about A and B on the plat.

Mrs. Rector said yes.

The President asked if the cul-de-sac was there.

Mrs. Rector said yes and then there is a private street.

The President asked if it was constructed to private street standards.

Mrs. Rector said yes it is approved; Cypress Pointe.

Scott Buedel said the two houses on the west side of that dividing property line; those two houses are constructed and using that private road.

Attorney Doll said so it would be four total that would be using that road.

The President said so we are taking two lots and making them into four.

Attorney Doll said no, this one used to be that way too and they put them together and now they are just taking them apart and putting them back the way they were originally.

The President asked how they had these without that there.

Mrs. Rector said that has always been there. She said Cypress Pointe has always been there, it was approved with the original Victoria Village plat. She said it looks just like a stubbed out little road way but it was approved by the Planning Commission on the plat, and that was back in the 90's. Mrs. Rector added that they did send a letter to the homeowners association.

The President asked for questions from Board Members and remonstrators for or against the project. Being none he called for a motion.

Richard Reid made a motion to approved PP-16-11. The motion was seconded by Doris Horn and unanimously carried.

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Mrs. Rector asked if they could move Bruce Miller up on the agenda.

### **OTHER BUSINESS:**

Mrs. Rector said Bruce Miller is here to ask them to waive sidewalks on certain lots in Wyngate. She said the Commissioners approved him another year to get the sidewalks put in but due to the topography of some lots he is asking to waive certain ones.

Bruce Miller said Section A of Wyngate Subdivision is completed except one lot, lot 17 and then the front of the subdivision which is an open lot, lot 39. He said there are three lots that are challenging in the subdivision where the actual lot falls right to the curb line so it is like a cliff coming onto the edge of the property. He said they have put sidewalks in about 95% of the area; there are three lots that are challenging to try to get sidewalks in so he is requesting the remaining three lots that do not have the sidewalks on that side to be waived with the understanding that the other side of the street will have a sidewalk on it. He said he is not asking for approval tonight, all he is doing is coming before them to tell them that he will be doing a formal, written presentation requesting the County Engineer to come back out and make a report to the APC whether he would recommend the waiver of those three. He said keep in mind that there is a sidewalk on the opposite side of the street of those lots.

Mrs. Rector asked if he could get them pictures.

Bruce Miller said he will be getting aerial photographs.

The President asked if they were coming off of SR 261 would it be to the left.

Bruce Miller said as you go into the subdivision up the boulevard and you take a right, there are two lots that the embankments are huge, so those are the two main ones. He said the remaining part of section A already has sidewalks on at least one side so he will be making a presentation formally in writing for the County Engineer to review. He said Bobby has been out there on a couple of occasions and has said that he does not see any issues with waiving sidewalks on one side of the street. He said so he is here for information only and there is one person sitting on their Commission that lives in that subdivision so he would be able to give them some definite input at a later time on what his thoughts would be on that situation.

Bill Byers asked if it was on the south side in front of Robby.

Bruce Miller said it will be on one side and will probably go on Robby's side; that the less problematic side to put it on. He said the other side they would have to put a 4' concrete retaining wall before they could put a sidewalk in and that is just not practical.

#### **ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE:**

AN ORDINANCE TO AMEND ARTICLE XII RESIDENTIAL OFFICE – “R-O” DISTRICT SECTION 1 USE REGULATIONS BY DELETING SUBSECTIONS (2) & (3) OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Standard July 28, 2016.*

Mrs. Rector stated this is doing what we discussed taking all of the offices, the medical, dental, and all of that from the “R-O” and then the next ordinance is putting it into the “C-1”.

AN ORDINANCE TO AMEND ARTICLE XIII NEIGHBORHOOD COMMERCIAL – “C-1” DISTRICT SECTION 3 PERMITTED USES SUBSECTION (12) OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Standard July 28, 2016.*

Mrs. Rector this is what we voted on at the last meeting by putting all medical facilities in the “C-1” zoning.

Richard Reid made a motion to give a positive recommendation to the County Commissioners to amend Article XII Residential Office and Article XIII Neighborhood Commercial of the Comprehensive Zoning Ordinance. The motion was seconded by Doris Horn and unanimously carried.

AN ORDINANCE TO AMEND ARTICLE II DEFINITIONS SECTION 2 TERMS DEFINED – GARAGE, PRIVATE OF THE COMPREHENSIVE ZONING ORDINANCE IN EFFECT FOR WARRICK COUNTY, INDIANA. *Advertised in the Standard July 28, 2016.*



Mrs. Rector said this is the one we discussed because of the commercial vehicles and the 1 ½ half ton capacity so they all said just to take the 1 ½ ton capacity out of there period so that is just the definition of it. She said so if you want to drive your work truck home and put it in your garage you can.

Doris Horn made a motion to give a positive recommendation to the County Commissioners to amend Article II. The motion was seconded by Richard Reid and unanimously carried.

### **AMENDMENT TO FEE SCHEDULE**

Mrs. Rector said she met with the Personnel Committee and believes that she will have a favorable recommendation to the Council to reinstate the Planner III position if we raise our fees. She said based on last year's fees if they would have done the \$200 plus \$.02 of anything over 2,000 square feet, and raising the residential from \$50 to \$100 would have brought in \$18,000 some odd difference. She said the difference in pay for Planner III and the part time is about \$12,000. She said they were asking to maybe look at raising the \$.02 a little bit more or we could do the \$200 plus \$.02 a square foot because if you do the 2,000 square feet Burger King or any of those places will not have to pay it because they are not that large. She said the Personnel Committee would like for it to be where it self-supports itself and it is approximately \$15,000 per employee for benefits. She said they would like for us to get the \$12,000 plus \$15,000 then bring it to around \$28,000 so that is why she was proposing the \$200 plus \$.02 per square foot and then raise the residential permits from \$50 to \$100. She said or do it any way they want to but...

Doris Horn said it would be a start.

Mrs. Rector said it would be a start and we could revisit this again at the first of the year if they think we need to raise it more. She said this is still half of what Vanderburgh County charges. She said also our Building Department charges \$.05 per square foot for residential and \$.08 or \$.10 per square foot for commercial.

The President asked if that was with a flat fee.

Mrs. Rector said that is the fee. She said they have a minimum like say it was \$.05 a square foot with a minimum of \$300 so they will still get something for the smaller buildings. She said she has talked to builders and developers and they don't seem to have a problem with this. She said she talked to Ron McGillem and he said he didn't want to hurt himself but a permit being \$100 is not going to hurt anyone. She said she has not heard anybody be negative about it and they know how busy they are, plus this will also help the general fund. She said we haven't raised fees since 2005 and she doesn't know when they did before that.

The President said the two sheets he has in his packet are identical except one says the \$.02 and the other one doesn't.

Mrs. Rector said this is multifamily \$200 plus \$.02 a square foot period commercial and the other one is for over 2,000 square feet. She said it is only on the back page under the Improvement Location Permits. She said she thought they could visit the other things later, at least this gets us started and gets the position paid for.

Bill Byers said he would like to suggest \$.04 instead of \$.02.

Mrs. Rector said the signage has changed too. They were \$100 and \$25 for a temporary and she has them at \$200 and \$50. She said Evansville and the building department charges so much per square foot plus that. She said Evansville prices are in all of their packets for them to compare to. She said she did not change anything else but the Improvement Location Permits.

The President asked if there were any questions. He asked Bill Byers if he wanted to see the permits be \$.04.

Bill Byers said that was his thought.

The President asked if that was with the square footage or a flat rate.

Bill Byers said flat out and that is just for discussion.

Mrs. Rector said you could go from a Meijers store to a Burger King; Bill how big are Burger Kings.

Bill Byers said they are 3500 to 3600 square feet.

Mrs. Rector said Zaxby's or Subways...

The President said a 3600 square foot building times the \$.04 would be \$144.

Mrs. Rector said yes it is not a lot.

Jeff Willis said when he builds his buildings they are 12,000 square feet so there's \$250. He said but if we go to \$.04 then there's \$500, which doesn't seem like a lot until you go across the hall and have to pay that again. He said and as a consumer it feels like you are getting double gouged because it feels like he is paying the same fee's twice. He said he knows logically it is two different things but in the same building he walks across the hall and pay \$500 over here and \$500 over here.

Mrs. Rector said because they are completely different things.

Jeff Willis said but they are both government entities gouging me because he already pays his taxes already.

The President asked when the next meeting with the Council was.

Mrs. Rector said she needs a vote tonight. She said they will vote on the 16<sup>th</sup> of this month.

Jeff Willis said the \$.04 with the minimum sounds good so if it is a big building you will generate more so maybe the \$.04 with a minimum is better than the \$200 plus the \$.02.

Bill Byers said you could do the \$200 minimum or \$.04.

Attorney Doll said whichever is greater.

Doris Horn said that would be a good one.

Jeff Willis said that was you get the storage buildings as they are building their 12,000 square foot buildings. He asked if that would affect adding on to a building, would it be the whole building or just what they are adding on.

Mrs. Rector said it would be the new addition only.

Attorney Doll asked if that was a motion; \$200 or \$.04 per square foot, whichever is greater.

Jeff Willis said yes, for the commercial.

Mrs. Rector said and for the others raising them from a flat \$50 to \$100 for the residential and raising the price of the signs from \$100 to \$200 flat.

The President said so we have a motion on the floor for multifamily and commercial Improvement Location Permits to be set a fee of \$200 or \$.04 per square foot, whichever is greater; on and off premise signs to be a flat \$200 going up from \$100; temporary signs to be \$50; as well as all of the accessory structures, single family, agricultural, and addition to structures fee's from \$50 to \$100.

Mrs. Rector said the only agricultural buildings that have to get permits are if they are in the flood plain, otherwise they are exempt.

Richard Reid said with the residential permits; say you have over 3,000 square foot home you could charge them more as well.

Attorney Doll said they don't do that in Vanderburgh County. He said with the multifamily they do he doesn't see it in single family. He said he is not really sure they want to discourage home ownership; he is not saying they want to discourage business either.

The President called for a second on the motion.

Bill Byers seconded the motion and it was unanimously carried.

Mrs. Rector stated we will put it in the paper next week and then we have to wait 14 days before they become effective after it is advertised in the paper, in the meantime she will be emailing these out to the builders and developers and let them know. She said there is a sheet in their packets that she had prepared for the Council to let them know what all they do in the office and they wanted her to compare them to similar counties projected to have similar growth as Warrick County and compare how many employees they had so it is just some information for them.

**ATTORNEY BUSINESS:**

None.

**EXECUTIVE DIRECTOR BUSINESS:**

None.

Being no other business the meeting adjourned at 6:48 p.m.

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Guy Gentry, President

ATTEST:

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Sherri Rector, Executive Director